

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

DECEMBER 12, 2007

The Fair Housing Board Meeting was held at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

David B. Rubinstein, Chairman
Neil Bhatt
Cynthia Clare
Penny Johnson
Stephen McMaster
Robert Ruais
Jeffrey Adkins
Tonye Epps

The following Board Members were not present: James Schuyler, Laura Dupuy, Martin Maples and Jim Ginnell

DPOR Staff present for all or part of the meeting included:

Jay DeBoer, Director
David Ashe, Chief Deputy
Karen O'Neal, Deputy Director
Liz Hayes, Fair Housing Administrator
Christine Martine, Executive Director
Emily Trent, Administrative Assistant
Anna Badgley, Administrative Assistant
Deanda Shelton, Assistant Fair Housing Administrator
Trudy Miller, Fair Housing Investigator
Angela Keefe-Thomas, Fair Housing Investigator
Karen Taylor, Fair Housing Specialist
Iris Street, Program Conciliator
Yvette Barnes, Fair Housing Investigator
Arthur Ryan, Fair Housing Investigator

Tom Payne, Assistant Attorney General with the Office of the Attorney General, was present.

Chairman Rubinstein called the meeting to order at 10:05 **Call to Order**
A.M.

A motion was made by Ms. Clare and seconded by Ms. Johnson to approve the Agenda. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Epps, Johnson, McMaster, Ruais, and Rubinstein.

Agenda

A motion was made by Ms. Clare and seconded by Ms. Johnson to approve the following minutes: October 3, 2007, Fair Housing Board Meeting. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Epps, Johnson, McMaster, Ruais, and Rubinstein.

Minutes

No one addressed the Board during the **Public Comment period.**

Public Comment

Liz Hayes updated the Board on the current investigative case load. No action was taken by the Board.

**Fair Housing
Administrator's Report**

In the matter of **FHB File Number 2008-00428, Sherry Morris, Parish Hall & Billy and Bessie Hall v. Leona and Estel McClanahan**, the Board agreed without dissent to defer this matter to their next scheduled Board meeting to allow staff the opportunity to collect additional information.

FHB File Number 2008-00428, Sherry Morris, Parish Hall & Billy and Bessie Hall v. Leona and Estel McClanahan

In the matter of **FHB File Number 2008-00646, Terri and Jacob Gerlad v. James Yeatts**, the Board agreed without dissent to defer this matter to their next scheduled Board meeting to allow staff the opportunity to collect additional information.

FHB File Number 2008-00646, Terri and Jacob Gerald v. James Yeatts

In the matter of **FHB File Number 2007-05010, Betty Rew v. Ann Hicks and Glen Laurel Homeowner's Association, Inc. Board of Directors**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Darrell Miller, Attorney for the Respondents, addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Clare, Epps, Johnson, McMaster, Ruais, and Rubinstein.

**FHB File Number –
2007-05010, Betty Rew
v. Ann Hicks and Glen
Laurel Homeowner's
Association, Inc. Board
of Directors**

In the matter of **FHB File Number 2007-03854, Sherron Roberts v. TGT Holdings, LLC**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Harold Bell, Attorney

**FHB File Number –
2007-03854, Sherron
Roberts v. TGT
Holdings LLC**

for the Respondent, and Sherron Roberts, Complainant, addressed the Board. A motion was made by Ms. Clare and seconded by Ms. Johnson to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Clare, Epps, Johnson, McMaster, Ruais, and Rubinstein.

In the matter of **FHB File Number 2008-00479, Olivia Peeples v. Hollie Robinson, Westgate Treehouse Associates, LP and PRG Real Estate Management, Inc.**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis, Final Investigative Report Supplement and Recommendation. Kyle D. Korte, Attorney for the Respondents, addressed the Board. A motion was made by Mr. Ruais and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Clare, Epps, Johnson, McMaster, Ruais, and Rubinstein.

**FHB File Number –
2008-00479, Olivia
Peeples v. Hollie
Robinson, Westgate
Treehouse Associates,
LP and PRG Real Estate
Management, Inc.**

In the matter of **FHB File Number 2007-04271, Henry and Ruth Baker v. Roger and Catherine Upton**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Official Consultation Memorandum from the Office of the Attorney General. Mark Dix, Attorney for Complainants, Wyatt B. Durette, Attorney for Respondents, and Mrs. Upton addressed the Board. A motion was made by Mr. Ruais and seconded by Ms. Clare to find reasonable cause that the respondents discriminated against the complainants regarding terms and conditions based on disability. The motion passed unanimously. Members voting yes were: Adkins, Bhatt, Clare, Epps, Johnson, McMaster, Ruais, and Rubinstein.

**FHB File Number 2007-
04271, Henry and Ruth
Baker v. Roger and
Catherine Upton**

A motion was made by Mr. Ruais and seconded by Ms. Clare to find no reasonable cause that the respondents discriminated against the complainants in refusal to rent, discriminatory terms and conditions, and discriminatory advertising statements, and/or notices based on elderliness. The motion passed unanimously. Members voting yes were: Adkins, Bhatt, Clare, Epps, Johnson, McMaster, Ruais, and Rubinstein.

At 11:00 A.M., Ms. Clare offered a motion which was

Closed Session

seconded by Mr. Adkins, that the Board meeting be recessed and that the Fair Housing Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne, Liz Hayes, Angela Keefe-Thomas and David Ashe.

This motion is made with respect to the matter(s) identified as agenda item(s):

12. FHB File Number 2007-04271, Henry and Ruth Baker v. Roger and Catherine Upton

At 11:25 A.M., a motion was made by Ms. Johnson and seconded by Mr. McMaster that the Board reconvene in open session.

WHEREAS, the Fair Housing Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and **Certification**

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Fair Housing Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Fair Housing Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fair Housing Board.

VOTE: 8-0

AYES: Adkins, Bhatt, Clare, Epps, Johnson, McMaster, Ruais, Rubinstein.

NAYS: None

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: DuPuy, Ginnell, Maples, and Schuyler.

In the matter of **FHB File Number 2007-04271, Henry and Ruth Baker v. Roger and Catherine Upton**, a motion was made by Ms. Clare and seconded by Mr. Bhatt to find reasonable cause against the respondents for refusal to rent and making discriminatory statements based on disability. **FHB File Number 2007-04271, Henry and Ruth Baker v. Roger and Catherine Upton**

The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Clare, Epps, Johnson, McMaster, Ruais, and Rubinstein.

In the matter of **FHB File Number 2006-04877, William and Jill Corrente v. Ed and Gloria Campbell**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Official Consultation Memorandum from the Office of the Attorney General. Ed and Gloria Campbell, the Respondents, were present and addressed the Board. **FHB File Number 2006-04877, William and Jill Corrente v. Ed and Gloria Campbell**

At 11:43 A.M. Ms. Clare offered a motion which was seconded by Mr. Bhatt, that the Board meeting be recessed and that the Fair Housing Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic. Members present to aid with this process were: Tom Payne, Liz Hayes and Yvette Barnes.

Closed Session

This motion is made with respect to the matter(s) identified as agenda item(s):

13. FHB File Number 2006-04877, William and Jill Corrente v. Ed and Gloria Campbell

At 12:06 P.M., a motion was made by Mr. Ruais and seconded by Mr. Adkins that the Board reconvene in open session.

WHEREAS, the Fair Housing Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Fair Housing Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Fair Housing Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fair Housing Board.

VOTE: 8-0

AYES: Adkins, Bhatt, Clare, Epps, Johnson, McMaster, Ruais, Rubinstein.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: DuPuy, Ginnell, Maples, and Schuyler.

In the matter of **FHB File Number 2006-04877, William and Jill Corrente v. Ed and Gloria Campbell**, a motion was made by Mr. Ruais and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed by majority vote. Members voting "Yes" were: Adkins, Clare, Epps, Johnson, McMaster, Ruais, and Rubinstein. Member voting "No" was Bhatt.

FHB File Number 2006-04877, William and Jill Corrente v. Ed and Gloria Campbell

In the matter of **FHB File Number 2008-00565, Yvonne Ferrell v. Woodrow Goode**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. Yvonne Ferrell, Complainant, was present and addressed the Board. A

FHB File Number 2008-00565, Yvonne Ferrell v. Woodrow Goode

motion was made by Ms. Johnson and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Clare, Epps, Johnson, McMaster, Ruais, and Rubinstein.

In the matter of **FHB File Number 2007-04189, Carmelo Molluzzo v. Sinclair Commons, LP**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. A motion was made by Mr. Ruais and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Clare, Epps, Johnson, McMaster, Ruais, and Rubinstein.

FHB File Number 2007-04189, Carmelo Molluzzo v. Sinclair Commons, LP

In the matter of **FHB File Number 2007-03798, Wafa Hasan v. Brenda Koogler Bryans**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. A motion was made by Mr. Ruais and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Clare, Epps, Johnson, McMaster, Ruais, and Rubinstein.

FHB File Number 2007-03798, Wafa Hasan v. Brenda Koogler Bryans

In the matter of **FHB File Number 2007-03473, Carol L. Newman v. Patrick Davis**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. A motion was made by Mr. Ruais and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Clare, Epps, Johnson, McMaster, Ruais, and Rubinstein.

FHB File Number 2007-03473, Carol L. Newman v. Patrick Davis

In the matter of **FHB File Number 2008-00831, Esau Miller v. Church Hill Fairmount Apartments Limited Partnership, Sonya LNU (Barboza), Donna Brooks, Jeff Donahue, Travis Henderson, Sr., and Winn Management/Residential**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation, and Final Investigative Report Supplement. A motion was made by Mr. McMaster and seconded by Mr. Ruais to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Clare, Epps, Johnson, McMaster, Ruais, and Rubinstein.

FHB File Number 2008-00831, Esau Miller v. Church Hill Fairmount Apartments Limited Partnership, Sonya LNU (Barboza), Donna Brooks, Jeff Donahue, Travis Henderson, Sr., and Winn Management/Residential

In the matter of **FHB File Number 2007-02879, FHB File Number 2007-02879, Katrina Jones v. Martin Blaney and Hopewell Redevelopment and Housing Authority**, a motion was made by Ms. Clare and seconded by Ms. Johnson to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Epps, Johnson, McMaster, Ruais, and Rubinstein.

FHB File Number 2007-02879, Katrina Jones v. Martin Blaney and Hopewell Redevelopment and Housing Authority

In the matter of **FHB File Number 2008-00426, Beth Spangler v. Joyce Jarvis, William Hunt, Pine Ridge Limited, David Pringle, Hunt & Associates Elderly Housing**, a motion was made by Ms. Clare and seconded by Ms. Johnson to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Epps, Johnson, McMaster, Ruais, and Rubinstein.

FHB File Number 2008-00426, Beth Spangler v. Joyce Jarvis, William Hunt, Pine Ridge Limited, David Pringle, Hunt & Associates Elderly Housing

In the matter of **FHB File Number 2007-01020, Voydee Spinner and Linda Spinner v. Woodside Associates**, a motion was made by Ms. Clare and seconded by Ms. Johnson to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Epps, Johnson, McMaster, Ruais, and Rubinstein.

FHB File Number 2007-01020, Voydee Spinner and Linda Spinner v. Woodside Associates

In the matter of **FHB File Number 2008-01477, Virginia Fair Housing Board v. Womack Publishing Company**, a motion was made by Ms. Clare and seconded by Ms. Johnson to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Clare, Epps, Johnson, McMaster, Ruais, and Rubinstein.

FHB File Number 2008-01477, Virginia Fair Housing Board v. Womack Publishing Company

In the matter of **FHB File Number 2008-01387, FHB File Number 2008-01387, Fair Housing Board v. Jean R. Lockett**, a motion was made by Ms. Clare and seconded by Ms. Johnson to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Clare, Epps, Johnson, McMaster, Ruais, and Rubinstein.

FHB File Number 2008-01387, Fair Housing Board v. Jean R. Lockett

The Board recessed from 12:25 P.M. to 12:35 P.M.

Break

At 12:35 P.M., Ms. Clare offered a motion which was seconded by Mr. Adkins, that the Board meeting be recessed and that the Fair Housing Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne, Liz Hayes and Deandra Shelton.

Closed Session

This motion is made with respect to the matter(s) identified as agenda item(s):

21. FHB File Number 2006-02579, Kimberly C. Pettus v. The Smoke Tree Association, Inc. and The Smoke Tree Architectural Review Committee

At 12:55 P.M., a motion was made by Ms. Johnson and seconded by Mr. Ruais that the Board reconvene in open session.

WHEREAS, the Fair Housing Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Fair Housing Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Fair Housing Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fair Housing Board.

VOTE: 8-0

AYES: Adkins, Bhatt, Clare, Epps, Johnson, McMaster, Ruais, Rubinstein.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: DuPuy, Ginnell, Maples, and Schuyler.

In the matter of **FHB File Number 2006-02579, Kimberly C. Pettus v. The Smoke Tree Association, Inc. and The Smoke Tree Architectural Review Committee**, a motion was made by Mr. Bhatt and seconded by Ms. Johnson to approve the settlement terms as presented. The motion passed unanimously. Members voting “Yes” were: Adkins, Bhatt, Clare, Epps, Johnson, McMaster, Ruais, and Rubinstein.

FHB File Number 2006-02579 Kimberly C. Pettus v. The Smoke Tree Association, Inc. and The Smoke Tree Architectural Review Committee

Board member Cynthia Clare departed at 12:56 P.M.

Departure of Board Member

A motion was made by Mr. Ruais and seconded by Mr. Adkins to adopt a general review of the Fair Housing Regulations. The motion passed unanimously. Members voting “Yes” were: Adkins, Bhatt, Epps, Johnson, McMaster, Ruais, and Rubinstein.

Administrative Issues

Board members Rubinstein, McMaster and Epps volunteered to serve on the Regulation Review Committee.

Tom Payne updated the Board on the status of pending litigation. No action was taken by the Board.

Old Business

There being no further business, the meeting adjourned at 1:06 P.M.

Adjourn

David B. Rubinstein, Chairman

Jay W. DeBoer, Secretary